UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/C.12/1993/SR.1
30 August 1993

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth (extraordinary) session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 May 1993, at 10.30 a.m.

Temporary Chairman: Mr. FALL (Under-Secretary-General for Human Rights)

Chairperson: Mr. ALSTON

CONTENTS

Opening of the session

Election of officers

Adoption of the agenda

Organization of work

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-16364 (E)

The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION

1. Mr. FALL (Under-Secretary-General for Human Rights) declared open the eighth session of the Committee on Economic, Social and Cultural Rights. He congratulated members of the Committee who had been elected or re-elected the previous year by the Economic and Social Council. He wished particularly to welcome Mrs. Ahodikpe, Ms. Taya, Mrs. Vysokajova and Mr. Grissa to the Committee. He also took the opportunity to assure all members of the Committee that the Secretariat would do its utmost to assist it in its work.

2. As was customary, he wished to give a brief account of significant developments in the field of human rights since the previous session, and of measures taken recently by the General Assembly and the Commission on Human Rights in that connection. With regard to measures taken by the General Assembly at its forty-seventh session, he particularly drew the Committee's attention to resolution 47/111, on effective implementation of international instruments on human rights. In that resolution, the General Assembly had, inter alia, endorsed certain amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. If two thirds of the States parties formally accepted those amendments before the end of 1993, the committees established under those conventions would be financed from the regular budget, beginning with the budget for the biennium 1994-1995. In the meantime, the General Assembly had requested the Secretary-General to take the necessary measures to ensure that those Committees met as scheduled.

3. The General Assembly had also requested the Chairman of the Committee on Economic, Social and Cultural Rights to review and update his study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under international human rights instruments, and to present an interim report to the World Conference on Human Rights.

4. The General Assembly had also adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and had invited the international treaty bodies to give due regard to that Declaration within their mandates. The General Assembly had also taken note of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, which it would take up again at its forty-eighth session. Lastly, the General Assembly had adopted the provisional agenda of the World Conference on Human Rights.

6. As for the Commission on Human Rights, whose forty-ninth session had ended on 12 March 1993, it had welcomed the Committee's decision to take appropriate measures in relation to those States parties whose reports were long overdue, as well as its decision to examine specific rights set forth in the Covenant, in the framework of a general discussion similar to the one that had taken place at its seventh session on the right to take part in cultural life.

7. In addition, the Commission had taken note of the interest shown by the Committee in the drafting of an optional protocol to the Covenant, granting the right to individuals or groups to submit communications concerning non-compliance with the Covenant.

8. The Commission had also welcomed the emphasis placed by the persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services. It had invited those bodies to give priority attention to identifying possibilities for technical assistance in the regular course of their work of reviewing the periodic reports of States parties.

9. With regard to the fourth session of the Preparatory Committee for the World Conference on Human Rights, he said that, at that session, held in Geneva from 19 April to 7 May 1993, the debate and negotiations had essentially concerned the final act to be adopted by the World Conference, and, more generally, the results of the Conference. The statement to the World Conference on Human Rights adopted by the Committee at its previous session in November and December 1992, and the Committee's analytical paper on the possible drafting of an optional protocol to the Covenant, had been made available to the Preparatory Committee and would be submitted to the World Conference in June 1993. The interim report of the Chairman of the Committee, Mr. Alston, on that study, had also been made available to the Preparatory Committee, as had the very positive contributions of the chairpersons and rapporteurs of the treaty bodies, and of the special rapporteurs and special representatives of those bodies.

10. The Committee was already playing a major role in the general task of bringing into being a universal international community founded on the rule of law. It was his earnest hope that the Committee would be called upon to shoulder even more important responsibilities in the future, following the eagerly awaited recommendations of the World Conference on Human Rights, inter alia, with regard to the idea of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and to the projects concerning the implementation of the right to development. It was with that hope that he wished the Committee every success in the work of its eighth session.

11. He invited members of the Committee who had been elected or re-elected to make the solemn declaration provided for in rule 13 of the Committee's rules of procedure.

12. Mrs. Ahodikpe, Mr. Alvarez Vita, Mr. Grissa, Mrs. Jiménez Butraqueño, Ms. Taya, Mr. Texier and Mrs. Vysokajova solemnly undertook to discharge their duties as members of the Committee on Economic, Social and Cultural Rights impartially and conscientiously.

ELECTION OF OFFICERS

13. Mr. WIMER ZAMBRANO, on behalf of the group of Latin American countries, proposed the re-election of Mr. Alston as Chairman, of Mr. Alvarez Vita as Vice-Chairman, and of Mrs. Bonoan-Dandan as Rapporteur.

14. Mrs. JIMÉNEZ BUTRAGUEÑO seconded the proposal by Mr. Wimer Zambrano.

15. Mr. Alston was re-elected Chairman, Mr. Alvarez Vita Vice-Chairman and Mrs. Bonoan-Dandan Rapporteur by acclamation.

16. Mr. Alston took the Chair.

17. The CHAIRMAN thanked members of the Committee for re-electing him, and in particular Mr. Wimer Zambrano for proposing his candidature, particularly in view of the fact that he made no claim to be an accommodating chairman. He wished to make a few remarks concerning the role of the Committee. First, he considered that it had a leading role to play vis-à-vis the other treaty bodies. The procedures it had evolved had always been taken up by other committees once adopted.

18. With regard to economic, social and cultural rights per se, the Committee was in a unique situation. Where civil and political rights were concerned, there were several treaty bodies, and numerous rapporteurs and thematic groups engaged in recording the case-law on civil and political rights and having the task of promoting those rights. However, no specialized group had received a specific mandate to promote economic, social and cultural rights in the context of the United Nations. It was thus incumbent on the Committee to defend those rights throughout the United Nations system. That work was beginning to bear fruit, since economic, social and cultural rights occupied an increasingly prominent place on the international stage.

19. He noted with satisfaction that the United States of America had intimated that it now supported the idea of economic, social and cultural rights, an idea which it had rejected for 12 years, and that it now recognized those rights as human rights. In that context, he cited a comment in the most recent issue of The Economist, which had stated that the nations of the world must reaffirm their commitment to economic, social and cultural rights. However, many still did not believe that those rights were as important as civil and political rights. A long road still lay ahead. He also welcomed the fact that Amnesty International had published an unprecedented declaration on the indivisible nature of the two categories of rights.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1993/1)

20. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional agenda of its eighth (extraordinary) session (E/C.12/1993/1).

21. It was so decided.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1993/L.1)

22. The CHAIRMAN wished to inform members of the Committee that Belgium, Germany, Iceland, Nicaragua and Ukraine, whose reports were due to be considered by the Committee at the current session, had indicated at the last moment that they would be unable to submit their reports, although Belgium had undertaken to submit its report by the end of June 1993. He regretted the fact that States did not inform the Committee that they would be unable to

participate in its work until it was too late to change the programme of work. The Committee should revert to the matter, and should formally state that it deplored such decisions by member States. States should also be requested to give the Committee six to nine months' notice of their inability to submit their reports on schedule. Still on the subject of the draft programme of work (E/C.12/1993/L.1), he also wished to inform members that the Committee would not have to adopt a report at the current session, since a global report would be prepared at the next session, covering all its work in 1993.

23. He also drew members' attention to the correspondence from the Government of Panama concerning reports previously considered. The Committee should examine that correspondence and draft an appropriate response. With regard to the terminology used by the Committee in its work, he proposed that it should follow the example set by the Committee on the Elimination of Discrimination against Women, which had replaced the English term "Chairman", which could be regarded at sexist, by the term "Chairperson". There did not currently appear to be any system-wide agreement on the need for such a change. As far as the Committee was concerned, he proposed that the term "Chairman" should be replaced by the term "Chairperson" whenever it occurred in the English version of the Committee's rules of procedure (E/C.12/1990/4). Such an amendment would be of purely formal significance.

24. Mr. WIMER ZAMBRANO said he was not in principle opposed to the proposal, but feared that such a step might be regarded as out of place against the background of the United Nations system. It would perhaps be better to make a proposal that such a change should be adopted throughout the system.

25. The CHAIRMAN acknowledged that the system would not make a change simply because the Committee did so, but no precedent would be involved, since the Committee on the Elimination of Discrimination against Women had already taken a similar decision. Furthermore, such a decision would not prevent the Committee from making a proposal to the same effect for the United Nations system as a whole. If he heard no objection, he would take it that the Committee wished to replace the term "Chairman" by the term "Chairperson" whenever it occurred in the English version of its rules of procedure (E/C.12/1990/4).

26. It was so decided.

27. The CHAIRPERSON said that one of the Committee's chief innovations, subsequently imitated by all the other committees, had been the adoption of concluding observations at the end of its consideration of each State party's report. Originally, each member of the Committee who so wished had expressed her or his opinion, since a consensus had seemed unattainable. That was no longer the case, partly because, with the end of the cold war, there was no longer any reason for members of one bloc automatically to oppose those of the other bloc, and partly because the committees were now more mature, more independent and less politicized. Those concluding observations had assumed such importance that the Human Rights Committee, for example, now published its observations in a separate document, while the Committee on the Rights of the Child had replaced the summary of the discussion in its report by its concluding observations. The importance of those observations was attributable, inter alia, to the fact that for some time now they had been,

not mere empty words, but forcefully expressed and clear, as requested by bodies such as the Commission on Human Rights. The Secretariat had circulated copies of the concluding observations of the Human Rights Committee and of the Committee on the Rights of the Child, to give members of the Committee on Economic, Social and Cultural Rights an idea of the style of the other committees' observations. He proposed that the Secretariat should prepare draft concluding observation for each country, in collaboration with the member of the Committee acting as country rapporteur, as was the practice in other bodies. As he heard no objection to his proposal, he took it that the Committee agreed to adopt that procedure.

28. The Committee also had to resolve the matter of the presentation of its reports. He had some proposals of his own to make, but asked other members of the Committee for their own proposals. As currently presented, the report conveyed relatively little to the uninitiated, and it was essential that it should be made generally intelligible.

29. With regard to the day devoted to general discussion, on the rights of the ageing and elderly in the case of the current session, its purpose was to provide the Committee with a window onto the outside world, to enable it to engage in dialogue with experts brought in from outside. He asked members of the Committee to begin to think about possible topics for that discussion at future sessions, since it was a particularly important event in its programme, that needed to be prepared well in advance. His own suggestion was that it should deal with the right to health care, or with the more difficult subject of the relationship between the international financial institutions and economic and social rights. The Committee had not yet succeeded in prevailing upon representatives of the World Bank or International Monetary Fund to attend its sessions, but he thought that if a full day was devoted to that question, the situation would change.

30. Furthermore, in order to secure the participation of persons or bodies that it wished to hear, such as experts from certain non-governmental organizations, the Committee needed funds. He was aware that funds were difficult to come by, but he requested the Secretariat to give some thought to that problem and to tell the Committee what the possibilities were. The value of the day devoted to general discussion would be enhanced if external experts were to contribute to it.

31. Turning to the question of information submitted by non-governmental organizations, he said that the Committee had received a request from a group of Canadian non-governmental organizations requesting a hearing in order to submit information in their possession. He had contacted the Canadian Government, but he was aware of the difficulties and of the implications of such an initiative. The Committee could not simply consider the case of Canada in isolation; to take such a step would be to adopt a new approach and to break new ground, something that called for circumspection.

32. The Committee must also give thought to its general comments. At the current session, it would be considering a draft general comment on the ageing and elderly, as well as one on the disabled, in response to the request made

by the Commission on Human Rights that it should become more fully involved with that question. He also envisaged other draft general comments, for instance, on the question of non-discrimination.

33. Lastly, he requested members of the Committee who had taken part in the seminar on indicators for the realization of economic, social and cultural rights, and any members who had attended meetings that might be of interest to the Committee, to report on those activities.

34. Mr. TEXIER asked whether the report of the Committee's seventh session had been issued. He also wished the Committee to discuss further the question of the proposed missions to Panama and the Dominican Republic. He asked whether those countries had responded to the Committee's offer, and what would be the content of the missions, which he recognized could not take place unless the necessary funds were made available.

35. The CHAIRPERSON said that, six months after the closure of the seventh session, the session report had still not been issued, a state of affairs that he deplored. There was too general a tendency to take the view that the report was useful only for the next session of the Economic and Social Council. He regarded that as an additional reason for changing its presentation, so as to ensure that it would be of wider interest. He proposed that in the meantime an unofficial document should be circulated just after the session. With regard to the projected missions to Panama and the Dominican Republic, the Committee was in possession of documents that would be considered the following day.

The meeting rose at 12.40 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/SR.2
30 August 1993

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth (extraordinary) session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 May 1993, at 10 a.m.

Chairperson: Mr. ALSTON

CONTENTS

Organization of work (continued)

Relations with United Nations organs and other treaty bodies established pursuant to international instruments

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-16379 (E)

The meeting was called to order at 10.25 a.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

1. The CHAIRPERSON informed the Committee that the delegation of Uruguay would be unable to present its report during the current week; subject to acceptance by the delegation, he suggested that consideration of the report should be deferred to the last week of the session. He once again deplored the fact that a number of States parties made last-minute requests for consideration of their country's report to be deferred, thereby disrupting the organization of the Committee's work.

2. Mr. SIMMA said he understood that the German authorities had asked for consideration of Germany's report to be deferred because of the delay in receiving the list of issues drawn up by the pre-sessional working group; it appeared that the list, which had been drawn up in January, had only reached the Permanent Mission of Germany in March. The Secretariat might be asked to provide the Committee with a schedule showing exactly when the lists of issues had been dispatched to the delegations concerned.

3. The CHAIRPERSON endorsed that request, and expressed the hope that the Secretariat would be able to provide the information at one of the next meetings.

4. Mrs. AHODIKPE, after noting with regret that a number of documents had been distributed in English only, suggested that time should be set aside for the Committee to discuss the important and topical issue of the rights of refugees.

5. The CHAIRPERSON said that he, too, regretted that not all the documents had been translated into the languages of members of the Committee. The bulk of the documentation was drafted in English and he understood that the translation services were overloaded; some of the summary records of the Committee's previous session had not yet been translated. He assured Mrs. Ahodikpe that, if it proved necessary, the important passages of an untranslated document would be read out and orally interpreted. He saw no reason why the Committee should not consider the economic, social and cultural rights of refugees within the framework of a general discussion; Mrs. Ahodikpe's suggestion would be borne in mind when the subject of a future general discussion was being chosen.

6. Mr. KOUZNETZOV (Secretary of the Committee) said that all the Committee's working documents existed in English, French, Russian and Spanish. The documents referred to by Mrs. Ahodikpe emanated from bodies other than the Committee, and were distributed by the Secretariat to members for information purposes even if they had not yet been translated into all the required languages.

7. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) said he wished to inform the Committee of some UNESCO activities of interest to it, notably in the domain of human rights education. Referring to certain milestones in that connection, he said that, at its eighteenth session in 1974, the General Conference had adopted a

Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. An International Congress on Teaching of Human Rights had been held in Vienna in 1978. Against the backdrop of a changing international situation, an International Congress on Human Rights Teaching, Information and Documentation had been held in Malta in 1987.

8. At its coming twenty-seventh session, the General Conference would, under UNESCO's Major Programme Area V, be called upon to consider Programme V.2, entitled "Peace, human rights, democracy and the elimination of all forms of discrimination". The aims of the programme were to promote the development of a culture of peace and devise innovative methods for the early prevention and peaceful management of conflicts; to assist in the further development of human rights and fundamental freedoms, with special emphasis on new prospects in human rights and international law, and on the promotion of cultural rights, including those of persons belonging to minorities, and of academic freedom; to contribute to the consolidation of democratic processes through the analysis of various experiences and exchanges of information; to continue the efforts for developing a comprehensive system of education and training for peace, human rights and democracy, embracing all levels of education, formal and non-formal; to strengthen the Associated Schools Project (under which more than 2,300 schools in some 120 Member States were taking part in cultural exchanges and being familiarized with UNESCO's action in the area of human rights); to improve the knowledge concerning new forms of discrimination; to contribute to the development of relations of equality between men and women, facilitate women's access to social, political, economic and cultural life, and prevent discrimination and violence against them; and to reinforce UNESCO's contribution to the building of a non-racial and democratic society in an apartheid-free South Africa.

9. He then called the attention of members of the Committee to the International Congress on Education for Human Rights and Democracy, organized by UNESCO and the Centre for Human Rights, in collaboration with the Canadian National Commission for UNESCO, from 8 to 11 March 1993 in Montreal (Canada). The Congress had adopted a World Plan of Action, the text of which, provisionally available in English only, he was placing at the disposal of members of the Committee. The World Plan of Action was addressed, among others, to: individuals and groups, families and institutions, teachers and students, employers and unions, political parties and non-governmental organizations, States and United Nations specialized agencies, in other words, both to victims of human rights violations and to champions of human rights and democracy. It constituted a framework within which the various participants would prepare specific activities or decisions. It laid stress on education for human rights, and sought to promote universal knowledge of all the international human rights instruments, and of the rights and responsibilities of individuals. It also focused on learning as the means of eliminating human rights violations and building peace on the foundations of democracy, development, tolerance and mutual respect. The major strategies proposed comprised: the development and distribution by UNESCO of a standard form for implementation and assessment of the Plan; the development of national, regional and international networks to produce programmes, devise methods and exchange information; to ensure access to up-to-date documentation and information and to convene regional and global conferences. In addition,

the Plan of Action set out the main lines and levels of action, laying stress on education for human rights and democracy in both formal and non-formal settings; it identified objectives, notably in the areas of research, information and documentation, as well as the obstacles that must be overcome. Among the latter, he cited the absence of political will, the dangers of marginalization of the process of imparting knowledge about human rights and the use of certain unsuitable methodologies.

10. In addition, the International Congress on Education for Human Rights and Democracy had identified the main lines of a contribution to the preparation of a declaration on academic freedoms and human rights. UNESCO had organized little over a year before a European Conference on academic freedoms and university autonomy, which had, inter alia, considered the subject of educational content and methodology and the need for universities to be able to collaborate with their counterparts in other countries. In conclusion, he pointed out that in three months' time, UNESCO would be adopting a final programme encompassing all the elements to which he had just referred. He thanked the members of the Committee for their attention and said that he was at their disposal for any documents that interested them.

11. The CHAIRPERSON said he wished to thank the representative of UNESCO for his statement, but had a number of comments to make on the Plan of Action and on UNESCO's activities in general. He confessed that he had rarely come across a document so devoid of substance: that, unhappily, was a measure of UNESCO's inability to do anything concrete and constructive about education on human rights. In the first place, the registering of initiatives undertaken by different and unrelated bodies was pointless. Secondly, the development of active national, regional and international networks was certainly desirable; but the Plan of Action seemed to suggest that such networks would be self-generating, and made no mention of any role to be played by UNESCO in that connection. Thirdly, with regard to information and documentation, he said that he could think of no significant document on human rights published by UNESCO during the past 10 years. Fourthly, the convening of innumerable regional and global conferences deserved a mention in the annals of bureaucracy; he was reminded of Arthur Koestler's story, "The Call-Girls", which pictured the worldwide peregrinations of a group of academics, uttering the same platitudes everywhere. He wished it to be clear that he was not merely voicing a personal opinion; his views were shared by experts who had examined the Plan of Action in Canada, where the Congress had been held, and who were bitterly disappointed, as were numerous other defenders of human rights. It might well be asked whether education relating to human rights still had a place in UNESCO's programme. The time had perhaps come for the Centre for Human Rights to draw up its own programme in that domain.

12. In conclusion, he stressed that his criticisms were not addressed personally to the representative of UNESCO, and that he continued to support the bulk of UNESCO's activities in other fields.

13. Mrs. BONOAN-DANDAN said that in the light of her experience at UNESCO's Regional Office in Bangkok, she endorsed the Chairperson's comments, and wished to voice her keen disappointment at the bureaucratic fashion in which UNESCO continued to operate.

14. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization), while recognizing that members of the Committee had grounds for disappointment and harsh criticism of UNESCO, said he believed that their remarks also held true for the United Nations system as a whole. Admittedly UNESCO's action had not always been effective, but he considered that one of its greatest failings was its inability to publicize what it actually did. UNESCO had always endeavoured to diversify its partners and involve the international community in its work with a much smaller staff than that of the European Communities or the Council of Europe to cover the whole world. One of UNESCO's principal functions was to serve as a framework for action undertaken jointly with other organizations. Its field of action was not limited to publications or to studies, some of which had been rejected by member States, but not by the scientific community or those familiar with human rights. He recalled the Associated Schools Project, which had achieved considerable success, as well as the UNESCO clubs, and said he could give a list of many UNESCO activities about which regrettably little was known. Only UNESCO's publications and conferences were well-known on account of the preconceived idea that the organization was merely a forum for conferences and meetings. The role of those conferences should not be underestimated, since they had drawn attention to ideas in a number of areas, including human rights. He did not yet know what the outcome of the Montreal Conference would be, but the Plan of Action would be submitted to the Vienna Conference.

15. Mr. TEXIER said he did not wish to pass judgement on UNESCO, with which he was not very familiar, but merely to comment on human rights education, which was generally recognized as a basic priority. Anyone who had been on mission in the field, particularly in countries moving from dictatorship to democracy or from war to peace realized that education in the field of human rights was an in-depth education and the only means of ensuring lasting democracy. He therefore proposed that a basic document containing general recommendations on the teaching of human rights should be drafted, since the Centre for Human Rights was overwhelmed by requests from the whole world relating, in particular, to human rights training, the drafting of new constitutions and the establishment of a civil police force and an independent legal system. Such a document would provide a basis for general recommendations to the Human Rights Committee and to other United Nations bodies and UNESCO.

16. The CHAIRPERSON welcomed that constructive proposal. In his view, it would be useful for the Committee on Economic, Social and Cultural Rights to undertake serious work in the field of human rights education. While nobody questioned the vital importance of that area, there was a tendency to urge others to take action instead of taking the initiative oneself. The Committee should see what specific steps it could take and make a number of suggestions along those lines. He proposed that the last Wednesday of each session should be set aside to deal with the matter.

17. With regard to urgent matters concerning the practical arrangements for the session, he wished to point out, firstly, that members of the Committee were entitled to a United Nations attestation, confirming their status as experts.

18. Mr. ALMAREZ VITA asked whether the document was a United Nations attestation, passport or laissez-passer and what specific facilities it would offer members of the Committee.

19. The CHAIRPERSON said that the document could be used solely for travel purposes. Members of the Committee were independent experts and as such not entitled to a United Nations passport or laissez-passer on the same conditions as staff members.

20. Mr. WIMER ZAMBRANO said that it would be desirable for a proper laissez-passer to be issued for the missions which members of the Committee were to undertake, for instance, in Panama.

21. The CHAIRPERSON said the position of the special rapporteurs might be relevant and he would look into the matter. The Secretariat would be contacted so as to ensure that experts received the most appropriate document.

22. Turning to a procedural matter, he suggested, for the sake of efficiency, that the Committee should hold a closed meeting for the adoption of its concluding observations on the reports. In the absence of any objection, he would take it that the members of the Committee agreed that the concluding observations should be adopted at a closed meeting.

23. It was so decided.

24. Mr. TEXIER noted that no meetings were scheduled for three days because of delays in the submission of reports by State parties. He was very disturbed by the situation, which should be the subject of a formal protest in the report of the session. It was, in his view, unacceptable to waste so much United Nations time and money.

25. Mr. KOUZNETZOV and Mrs. JIMENEZ BUTRAGUEÑO agreed with Mr. Texier. Whatever form the Committee's reaction took, it must be firm so as to make it clear to the Economic and Social Council that the delay in the Committee's work was not attributable to the experts, but to the Governments of certain Member States. The Committee was obliged to react in that way if it wished to retain its credibility when requesting the holding of extraordinary sessions in future.

26. Mr. WIMER ZAMBRANO said he considered, like previous speakers, that a protest should be drafted and steps taken to deal with what was tantamount to a lack of respect towards the Committee. It might be useful to prepare a draft resolution that the Committee could use in dealing with similar cases in future. The work programme would need to be made a little more flexible so that certain debates could be brought forward, if necessary, thereby obviating the need to cancel any meetings.

27. Mr. SIMMA endorsed the remarks of previous speakers. However, in his view, it was important not to lose sight of the fact that Governments might have different reasons for submitting their reports late. As mentioned earlier, they might have received the list of issues to be covered fairly late or, as in the case of the present session, have been preoccupied with their preparations for the World Conference on Human Rights to be held shortly.

Whatever the case, a draft resolution needed to be prepared, drawing the attention of the Economic and Social Council to the fact that the States parties, not the experts, were responsible for the delay.

28. Mr. GRISSA also deplored the situation in which certain States parties had placed the Committee and suggested that, in future, reports should be considered even if the States parties were unable to send representatives to reply to members' questions.

29. The CHAIRPERSON said that several options were open to the Committee. First, it could prepare a draft resolution for the Economic and Social Council. Secondly, it could draw up a timetable ensuring that the list of issues to be covered was sent out in good time to States parties. Lastly, as Mr. Grissa had suggested, the Committee might decide to change the procedure hitherto followed and make it clear that once a State party had accepted the date proposed by the Committee for the consideration of its report, it could not request a change in the date within six months of the original deadline. Otherwise, the Committee would consider the report, with or without the representatives of the State party. He considered that such a measure would be reasonable.

30. Mr. SIMMA urged caution, since the States parties should have a reasonable period in which to decide whether or not they could provide an adequate reply to the questions raised by the Committee in its list of issues.

31. The CHAIRPERSON observed that the States parties could not take the Committee's procedure seriously unless the Committee itself was more demanding. At present, the States parties did not attach any priority to answering the Committee's questions. If the Committee were to rule out the possibility of postponing consideration of reports, the matter would inevitably become a priority question for States parties. He therefore proposed that the Committee should take a stricter line; he would submit a more definite proposal on the subject to members of the Committee in due course.

32. He also wished to take up the matter of the information made available to the Committee by non-governmental organizations. Without going too far back in time, it was worthwhile taking a brief look at the historical background to relations between the non-governmental organizations, States and international organizations. During the cold war, the work of non-governmental organizations was not facilitated by States since the two main blocs had developed the practice of establishing non-governmental organizations which slavishly followed the principles of their respective foreign policies. Moreover, many non-governmental organizations originated in the north and thus reflected what were essentially Western concerns. With the end of the cold war, many non-governmental organizations were now being set up in the south.

33. Moreover, the General Assembly as well as the Commission on Human Rights had reaffirmed on numerous occasions that in the areas monitored by the treaty bodies any information, irrespective of its source, should be investigated.

34. The Committee on Economic, Social and Cultural Rights had taken a bold step in 1987 and 1988 by deciding to authorize non-governmental organizations to submit written communications. Since then, all the other committees were also requesting information from those organizations. In that connection he referred to the request by a group of Canadian non-governmental organizations and the outcome of his contacts with the Canadian Government, which had raised no objection to the organizations coming to Geneva; they would therefore be heard during the following week.

35. As to the question of the arrangements for the participation of non-governmental organizations in general, he suggested a compromise solution between the two extremes of accepting written communications from those organizations or hearing their views on the same footing as Governments, which might lead to arguments between the government representatives and those of the non-governmental organizations. Firstly, the Committee would be more pressing in its request for the cooperation of non-governmental organizations. Secondly, it would indicate that its working group was prepared to hear - possibly in a closed meeting - non-governmental organizations wishing to make oral statements. Lastly, it would indicate its willingness to set aside a certain amount of time during its sessions to hear the views of a non-governmental organization of its choice. The last phase of that proposal would be the most difficult to implement. It would be preferable for the oral statements by non-governmental organizations not to be included in the summary records; that would avoid the risk of offending Governments by recording information which might prove controversial. The advantage of such an arrangement was that the experts could decide themselves what information they wished to use in framing their questions. That type of exchange took place in any case, but outside the meeting room. The solution he proposed would ensure greater openness and frankness in relation to Governments (which would know which non-governmental organization had said what) as well as offering non-governmental organizations the possibility of coming to Geneva to state their views. In any case, experience showed that the Committee was unlikely to be inundated with requests and that its members would have the opportunity, through the interpretation provided, to hear the statements made by non-governmental organizations in their own language. Finally, the arrangement would have the advantage that the Committee could choose to give the floor to those organizations whose activities were germane to its concerns. The remaining organizations would still have the option of communicating with the Committee in writing.

36. Mr. GRISSA said he was afraid that the multiplication of contacts with non-governmental organizations might cause confusion and complicate the Committee's work, since the session only lasted three weeks. Some organizations, such as Amnesty International or the International Federation of Human Rights, published reports, while other such as the Baha'is had submitted notes; the Committee should therefore make use of those documents. It was not always easy to decide how seriously requests for a hearing from non-governmental organizations should be taken, and there was a danger of embarrassing the countries concerned.

37. Mr. SIMMA, speaking as Chairman of the pre-sessional working group and a member of the Committee responsible for drawing up the list of questions to be put to Canada, said that Canadian non-governmental organizations had

cooperated very effectively with the working group without their contributions being unduly "politicized". He supported the view that they should be heard during the current session. The Government would then not be able to claim that the Committee was basing its conclusions on reports or documents outside its own personal knowledge. If oral statements were made by non-governmental organizations, the Committee and the Government would be in the possession of the same information. Regarding the credibility of those organizations, some of them, for example, Habitat International, had long given evidence of their objectivity and competence.

38. The pre-sessional working group would have to receive the non-governmental organizations at a closed meeting, so that their observations could be taken into account in the list of questions to be put to the Government concerned. If that were done, the Government would thus not be taken by surprise and would have time to draft its own comments to the Committee in the full knowledge of the facts.

39. Mr. TEXIER shared the Chairman's view on the importance of the role of non-governmental organizations, which had in fact demonstrated their serious approach and the benefit derived from their consultative status. They were, of course, free to submit written communications and the Committee had already heard experts from those organizations in connection with a number of specific points, but few of those points were admittedly concerned with economic, social or cultural rights. It would be unfortunate if the Committee were to deprive itself of their contribution, especially since the Committee was in a position to hear only those organizations which appeared credible and to prevent the discussions from degenerating into polemics. The idea of devoting a few hours to a discussion with the organizations was a good one, but it would also be necessary to allow them to express their views during the examination of the situation in a particular country, as was the case for Canada.

40. Although recognized in principle, the importance of non-governmental organizations was by no means reflected in practice. Even in the Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, non-governmental organizations were sometimes taken to task not only by the States concerned, but also by others who were not even members of those bodies. The Committee itself had a long-term task and did not concern itself with topical political issues. Reputable non-governmental organizations could make a very informative contribution to its work. That was the case for example, with the housing situation in Italy, of which the Committee had been scarcely aware. It was therefore to its advantage to adopt as open an approach as possible to non-governmental organizations.

41. Mrs. JIMENEZ BUTRAGUEÑO supported the Chairman's proposal that one day should be devoted to discussions with non-governmental organizations. It had to be borne in mind, however, that those organizations fell into two categories: those which were concerned with general matters, such as the right to food, and those which were in a position to provide the Committee with information on specific countries and whose viewpoint might be more political.

42. The CHAIRPERSON said that the discussion had clearly shown the need for the Committee to remain master in its own house. The procedure he had proposed would, as Mr. Grissa wished, avoid embarrassing Governments, since there would be no summary records of the discussions held with the non-governmental organizations. It would also ensure that Governments knew the exact source of criticisms and it would prevent some non-governmental organizations from circulating accusations more or less anonymously. The Committee itself would be able to play a much more active role, since it would be in a position, if necessary, to dispute the information supplied, whereas in the past such information - in written form - had been transmitted to the Government concerned on an unofficial basis and in the absence of any dialogue with the non-governmental organization initiating the communication. The new procedure would ensure much greater openness in all respects.

RELATIONS WITH UNITED NATIONS ORGANIZATIONS AND OTHER BODIES ESTABLISHED PURSUANT TO INTERNATIONAL INSTRUMENTS (agenda item 8)

43. Mrs. BONOAN-DANDAN reporting on new developments in the work of the Committee on the Rights of the Child, said that the Committee had begun its consideration of initial reports from States parties. The first six reports examined had been those of Bolivia, Sweden, Viet Nam, the Russian Federation, Egypt and the Sudan. In the case of the reports of the first five countries, the Committee had adopted concluding observations reflecting the main points of discussion and indicating, where necessary, those issues that might acquire a specific follow-up. In the case of Sudan, the Committee had begun its consideration of the report, but due to the complexity of the situation and the problems facing children in that country, it had decided to continue its consideration of that report at its session in September/October 1993 in the light of additional information to be provided by the Government of Sudan.

44. In addition, the Committee on the Rights of the Child had adopted recommendations aimed at ensuring the dissemination of information on the Convention on the Rights of the Child and promoting closer relations between the Committee and other United Nations and treaty bodies. The Committee had also recommended that consideration should be given to the establishment, within the Centre for Human Rights, of a documentation unit on the rights of the child. The Committee had also decided to recommend the Preparatory Committee for the World Conference on Human Rights to address at its fourth session the issue of the involvement of children in armed conflicts. On that specific issue, the Committee on the Rights of the Child had also recommended that the Secretary-General should undertake a study on ways and means of ensuring the protection of children in armed conflicts. It had also envisaged other measures, in particular, encouraging States parties to consider raising the age of recruitment into the armed forces to 18 years. After considering the situation in the former Yugoslavia, the Committee on the Rights of the Child had decided to bring its concern to the attention of the Special Rapporteur of the Commission on Human Rights and to recommend him to take the provisions of the Convention into account in fulfilling his mandate.

45. The Committee on the Rights of the Child, had also decided that its second informal meeting, to be organized in close cooperation with UNICEF, should be held at Bangkok in May 1993. Its fourth session, to be held in Geneva from 20 September to 8 October 1993, would be preceded by a meeting of

a pre-sessional working group in order to identify the main issues that would need to be further discussed at that session with the representatives of the reporting States, namely, Peru, Rwanda, Costa Rica, El Salvador, Indonesia, Mexico and Namibia. The Committee would also be devoting a whole day during its fourth session to the general discussion of the topic "Economic exploitation of the child".

46. The CHAIRPERSON said that the Committee against Torture was considering the possibility of confining its report to the concluding observations, since the content of the discussions had been reflected in the summary records. It had not yet reached agreement on that point, but that appeared to be merely a matter of time.

The meeting rose at 12.50 p.m.